

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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**SUSAN and BRYAN ANDREWS,  
Plaintiffs,**

**v.**

**Case No. 05C0454**

**CHEVY CHASE BANK, FSB,  
Defendant.**

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**ORDER**

On January 16, 2007, I granted in part plaintiffs' motion for summary judgment concluding that defendant's disclosures violated the Truth in Lending Act ("TILA"), 15 U.S.C. 1601 et seq., in a number of respects and certified a declaratory class pursuant to Fed. R. Civ. P. 23(b)(2). Defendant appealed the class certification pursuant to Fed. R. Civ. P. 23(f) and now asks me to stay the case pending appeal.

Although an appeal under Rule 23(f) does not automatically stay proceedings in the district court, such proceedings may be stayed if the court of appeals or district court so orders. In determining whether to grant a stay, I consider:

(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

In re Application of Proctor & Gamble Co., 334 F. Supp. 2d 1112, 1117 (E.D. Wis. 2004) (quoting Hilton v. Braunschweig, 481 U.S. 770, 776 (1987)).

In the present case, I conclude that a stay is appropriate. A separate memorandum outlining the basis for this conclusion is forthcoming.

Therefore,

**IT IS ORDERED** that proceedings in this matter are **STAYED** pending resolution of the issue of class certification in the court of appeals.

Dated at Milwaukee, Wisconsin this 5 day of February, 2007.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge